IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.33675 of 2008
MD.ABDULLAH @ MD.IBRUL
Versus
THE STATE OF BIHAR

02/ 04.09.2008 Heard.

The petitioner is in custody in a case under Sections 25 & 26 of the Arms Act under the allegation that he was attempting to conceal himself from the police party, who caught him and on search found a country made pistol tucked under the waist band of his paint.

The contention is that the prosecution story is a fabrication, inasmuch as, if the occurrence was committed at 9.00 p.m. in the night of 20th of March, 2008, there was no reason for the informant to mention about the night intervening 20th & 21st of March, 2008. The further contention is that as a matter of fact the father of the petitioner, who was carrying on a business of fish and could not satisfy the illegal demands of police and as such, his son was illegally roped in the present case.

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There might not be any reason for the informant for indicating the night, which could be intervening between two days and that, could be the reasons that after having

identified his fault in the very second line, he rectified the same. The fact remains that the recovery of weapon was from the petitioner. There is no reason to doubt the recovery at this stage and considering that, I am inclined to direct the release of the petitioner on bail. His prayer for bail is dismissed. However, as soon as, the petitioner completes one year of confinement in Mithanpura P.S. Case No. 57 of 2008, the C.J.M., Muzaffarpur shall release him on execution of a bond to his own satisfaction.

DKS/ **(Dharnidhar Jha, J)**

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